

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|--------------------------------|---|
| Re Application of: | Odd Geir Oddson; Harald Skjorshammer; Fred Hirth Thorsen |
| Filed: | September 21, 2001 |
| US Serial No.: | 09/937,172 |
| International App. No.: | PCT/NO00/00093 |
| For: | A METHOD FOR MANUFACTURING FEED PELLETS AND PLANT FOR USE IN THE IMPLEMENTATION OF THE METHOD |
| Examiner: | <i>Not yet assigned</i> |
| Art Unit: | <i>Not yet assigned</i> |

ATTN: DONNA S. GREENE

BOX PCT

Commissioner for Patents

Washington, D.C. 22202

Filed Via Facsimile: Fax No. 703-305-3230

Docket No.: H82.2-10148

PETITION TO REVIVE UNINTENTIONALLY ABANDONED PATENT APPLICATION PURSUANT TO 37 C.F.R. §1.137(B) AND IN THE ALTERNATIVE TO REVIEW AND WITHDRAW A HOLDING OF ABANDONMENT BASED UPON A FAILURE TO RECEIVE THE NATIONAL STAGE ENTRY FEE PURSUANT TO PCT ARTICLE 24(2), 48(2) AND 37 C.F.R. §1.495

INTRODUCTION

A National Stage patent application under 37 C.F.R. §1.495 was filed on September 21, 2001. A Notice of Abandonment of Application Serial No. 09/937,172 issued on November 20, 2001 and was received by Applicant's counsel on November 27, 2001, based upon a failure to pay the required National Stage entry fee. Applicant's counsel unintentionally failed to properly mark the application filing forms authorizing the charge of any fees to Applicant's deposit account.

Applicant is petitioning herein to revive an unintentionally abandoned application or, in the alternative, to review and withdraw the holding of abandonment due to a failure of Applicant's counsel to properly mark the application filing forms authorizing the payment of the

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National Stage entry fee from counsel's deposit account.

FACTS

1. The parent patent application for "A Method for Manufacturing Feed Pellets and Plant for Use in the Implementation of the Method" was filed in Norway on, or about March 25, 1999.
2. On, or about, March 17, 2000, Applicant filed a PCT patent application Serial No. PCT/NO00/00093 designating the United States.
3. Applicant filed a Chapter II Demand requesting preliminary examination of this application on, or about, September 6, 2000.
4. National Stage entry into the United States for the International Patent Application entitled "A Method for Manufacturing Feed Pellets and Plant for Use in the Implementation of the Method" was due on, or before, September 25, 2001.
5. Applicant's counsel attempted to enter the National Stage on September 21, 2001.
6. A Notice of Abandonment was received by Applicant's counsel on November 27, 2001, which indicated a failure to pay the National Stage entry fee as the basis for the abandonment.
7. Upon receipt of the Notice of Abandonment, Applicant's counsel reviewed the filing documents and identified unintended errors related to the payment of the National Stage entry fee. (Declaration of Edwin E. Voigt II, Esq.)
8. Upon receipt of the Notice of Abandonment, Applicant's counsel pulled counsel's standard filing forms and compared the standard filing forms to the forms as actually filed on September 21, 2001, which included errors as related to the changing of the National Stage entry fee to counsel's deposit account. (Declaration of Edwin E. Voigt II, Esq.)
9. Applicant's counsel's standard forms, namely the transmittal letter, Exhibit 1, paragraph 2, last check box, authorizes the charge of any National Stage entry fees to counsel's deposit account. (Declaration of Edwin E. Voigt II, Esq. and attached Exhibits.)
10. Applicant's counsel's standard forms, namely the transmittal letter, Exhibit 1, paragraph 4, authorizes charges of any additional fees to Applicant counsel's deposit account. (Declaration of Edwin E. Voigt II, Esq. and attached Exhibit.)

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11. Applicant's counsels standard Patent Office transmittal form, Exhibit 2, paragraph 17(c) last check box authorizes the charge of any filing fees to Applicant's counsels deposit account. (Declaration of Edwin E. Voigt II, Esq. and attached Exhibits.)

12. The support staff for Applicant's counsel modified the standard filing forms related to the charging of filing fees from counsel's deposit account incorrectly attempting to conform the forms to acceptable U.S. practice for a continuation and/or divisional applications related to providing a response to a Notice of Missing Parts. (Declaration of Mary C. Granger.)

13. Counsel's support staff did not inform counsel of the modification to the standard National Stage entry forms as filed on September 21, 2001. (Declaration of Mary C. Granger.)

14. Counsel did not notice the modification to the National Stage entry forms related to the charging of filing fees to counsel's deposit account at the time of filing of the documents on September 21, 2001. (Declaration of Edwin E. Voigt II, Esq.)

15. Counsel's standard practice is to verify that the last box on the National Stage entry forms related to the payment of filing fees out of counsel's deposit account is, in fact, authorized. (Declaration of Edwin E. Voigt II, Esq.)

16. Counsel saw that the last box was checked on the filing forms as filed on September 21, 2001, but counsel missed the modification related to the change in the authorization to charge filing fees against counsel's deposit account. (Declaration of Edwin E. Voigt II, Esq.)

17. Counsel's error caused conflicting authorizations to be given to the United States Patent & Trademark Office related to charging fees to counsel's deposit account, namely: Transmittal Letter, paragraph 2, indicated that the filing fee would be paid when responding to the Notice of Missing Parts which is not available in this case; Transmittal Letter, paragraph 4, authorizes charging additional fees to counsel's deposit account; and United States Patent & Trademark Office Transmittal Form, paragraph 17(d) indicates that the filing fee will be paid upon the receipt of the Notice of Missing Parts and instructs the Patent Office to not charge fees to counsel's deposit account.

18. Counsel's unintentional error caused the filing fee to not be charged to counsel's deposit account resulting in the Notice of Abandonment of November 20, 2001.

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Filed: September 21, 2001
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19. Counsel if filing this Request for Revival of an Unintentionally Abandoned Patent Application with 3 days of the receipt of the Notice from the Patent Office as received on November 27, 2001.

20. Counsel did not intend for the National Stage Patent Application Serial No. 09/937,172 to be abandoned at the time of filing of the application on September 21, 2001, otherwise, counsel would not have filed the application.

21. Counsel unintentionally failed to correctly indicate the authorization to charge filing fees to counsel's deposit account resulting in the abandonment of this application.

22. Applicant's counsel at all times intended to pay the National Stage entry fee. Counsel's error resulted in the non-payment of the required National Stage entry fee on a timely basis.

23. Applicant should not be prejudiced by counsel's error herein.

PETITION

Applicant's Counsel asserts that any and all delay, and the entire period of delay herein, and the failure to pay the National Stage entry fee was unintentional. Payment of the National Stage entry fee is authorized to be charged to counsel's deposit account No. 22-0350.

The Petition Fee as set forth in 37 C.F.R. 1.17(m) is authorized to be charged to Applicant's counsels deposit account No. 22-0350 in the amount of \$1,280.00. Applicant is a large entity.

The entire delay in filing the fee for entry into the National Stage from the due date to the filing of this Petition was unintentional.

Any and all necessary fees may be charged to Deposit Account, No. 22-0350.

Applicant respectfully requests and petitions for the revival of the unintentionally abandoned patent application Serial No. 09/372,172 pursuant to C.F.R. §1.137(b) and MPEP §11.03(c).

In addition, Applicant respectfully requests the withdrawal of the holding of abandonment based upon the failure of Applicant's Counsel to timely pay the National Stage entry fee prior to the expiration of 30 months pursuant to 37 C.F.R. §1.495.

01/18/2002 MNGUYEN 00000093 220350 09937172

01 FC:960 1040.00 CH
02 FC:141 1280.00 CH

In Re: Odd Geir Oddson et al.
Application No. 09/937,172

Filed: September 21, 2001
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Applicant's counsel further requests for revival of the unintentionally abandoned application pursuant to PCT Article 48(2); PCT Rule 82bis; PCT Rule 82bis.1; Rule 51.1; Rule 51.3; and PCT Article 24(2).

Applicant herein further petitions for an extension of any required time associated with the payment of the National Stage entry fee. The United States Patent & Trademark Office is authorized to charge any fee for any required petition for extension to Applicant's counsels deposit account No. 22-0350. Applicant is a large entity.

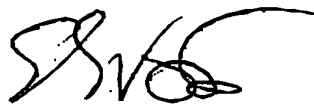
Applicant also encloses herewith a Terminal Disclaimer directed to the period of abandonment of Application Serial No. 09/937,172. United States Patent & Trademark Office is authorized to charge any Terminal Disclaimer fee pursuant to 37 C.F.R. §1.20(d) to deposit account No. 22-0350.

For the above-stated reasons, Applicant respectfully requests that application Serial No. 09/932,172 be returned to an active status.

Respectfully submitted,
VIDAS, ARRETT & STEINKRAUS, P.A.

Dated: November 30, 2001

By:



Edwin E. Voigt II, Esq.
Registration No. 36,042

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|--------------------------------|---|
| Inventor: | Odd Geir Oddson; Harald Skjorshammer; Fred Hirth Thorsen |
| Filed: | September 21, 2001 |
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| Title: | A METHOD FOR MANUFACTURING FEED PELLETS AND PLANT FOR USE IN THE IMPLEMENTATION OF THE METHOD |
| Examiner: | <i>Not yet assigned</i> |
| Art Unit: | <i>Not yet assigned</i> |

ATTN: Donna S. Greene

BOX PCT

Commissioner for Patents

Washington, D.C. 22202

Filed Via Facsimile: Fax No. 703-305-3230

Docket No.: H82.2-10148

DECLARATION OF EDWIN E. VOIGT II

1. My name is Edwin E. Voigt II, and my Attorney Registration No. is 36,042. I am counsel for Applicant herein.
2. Upon receipt of the Notice of Abandonment of November 27, 2001, I reviewed the Transmittal Letter and Transmittal Form as submitted to the United States Patent & Trademark Office on September 21, 2001. I have attached the Transmittal Letter as Exhibit 3 and the Transmittal Form as Exhibit 4 to this Declaration. I then printed my standard Transmittal Letter and Transmittal Form which I have attached hereto as Exhibits 1 and 2 respectively. I then compared the standard Transmittal Letter, Exhibit 1, and standard Transmittal Form, Exhibit 2, to the Transmittal Letter, Exhibit 3, and Transmittal Form, Exhibit 4, as filed within the United States Patent & Trademark Office on September 21, 2001. Upon comparison of the documents I identified unintended errors related to the payment of the National Stage entry fee. Specifically, the last check box of paragraph 2 of the Transmittal Letter, Exhibit 1, authorizes charging of fees to deposit account number 22-0350. The Transmittal Letter as filed on September 21, Exhibit 3, includes an additional last sentence and check box indicating that the filing fee will be paid at the

In Re: Odd Geir Oddson et al.
Application No. 09/937,172

Filed September 21, 2001
Page 2

time of responding to the Notice of Missing Requirements. In addition, the Transmittal Form of Exhibit 4 includes an additional last sentence under paragraph 17(d) related to a check box where the filing fee is not enclosed, indicating that the fee will be paid at the time of responding to the Notice of Missing Requirements and to not charge deposit account. This item was added as a modification to the standard form, Exhibit 2. Paragraph 4 of the Transmittal Letter, Exhibit 3, as filed on September 21, 2001, authorizes the charging of any additional fees to deposit account number 22-0350.

3. My support staff prepared the Transmittal Letter and Transmittal Form, Exhibits 3 and 4, as filed with the Patent & Trademark Office on September 21, 2001. Prior to filing of these documents, my support staff provided Exhibits 3 and 4 to me for review prior to signature. My normal practice is to review the Transmittal Letter and Transmittal Form to insure that the last box within section two of the Transmittal Letter and within paragraph 17 of the Transmittal Form have been checked authorizing the charging of any required fees against counsel's deposit account. I did not notice that the Transmittal Letter and the Transmittal Form of Exhibits 3 and 4 had been modified removing the authorization to charge any required fees to counsel's deposit account. Upon review of Exhibits 3 and Exhibits 4 on September 21, 2001, counsel saw that the last box was checked within section 2 of the Transmittal Letter and section 17 of the Transmittal Form but counsel failed to notice the modification related to the removal of the authorization to charge any required filing fees against counsel's deposit account.

4. I, at all times, intended to pay the National Stage entry fee on behalf of my client. I did not intentionally fail to notice the modification to my standard Transmittal Letter and Transmittal Form. I am responsible for the unintentional filing of the Transmittal Letter of Exhibit 3 and the Transmittal Form of Exhibit 4 which do not authorize the charging of the National Stage entry fee to my deposit account. I did not intend for Application Serial No. 09/937,172 to be abandoned for failure to pay the National Stage entry fee.

I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

In Re: Odd Geir Oddson et al.
Application No. 09/937,172

Filed September 21, 2001
Page 3

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,
VIDAS, ARRETT & STEINKRAUS, P.A.

Dated: November 30, 2001

By: 

Edwin E. Voigt II, Esq.
Registration No. 36,042

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
UNITED STATES RECEIVING OFFICE (RO/US)

Re Application of:

U.S. Nat'l Stage of

Nat'l App. No.:

Nat'l Filing Date:

For:

Box PCT

A. TN: EO/US

Commissioner for Patents

Washington, D.C. 20231

Docket No.:

TRANSMITTAL LETTER

1. In regard to the above-identified application, we are submitting the attached:
*; VAS Transmittal Letter; and Postcard.

2. With respect to fees:

- ☐ No additional fee is required.
☐ Attached is check(s) in the amount of \$_____.
☐ Charge additional fee to our Deposit Account No. 22-0350.

CONDITIONAL PETITION AND FEE FOR EXTENSION OF TIME

3. This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time. If any extension of time for the accompanying response is required, Applicant requests that this be considered a petition therefor.

4. Please charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 22-0350.

VIDAS, ARRETT & STEINKRAUS

Date:

By: _____

Registration No.

6109 Blue Circle Drive, Suite 2000

Minnetonka, MN 55343-9185

Telephone: (952) 563-3000

Facsimile: (952) 563-3001

Certificate Under 37 CFR 1.10: I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as EXPRESS MAIL, Label No. , addressed to Box PCT, Commissioner for Patents, Washington D.C. 20231, on

EXHIBIT 1

| | | | | | |
|---|--|---|--|----------------------------------|--|
| FORM P/O-1390 (REV 10-94) | | U.S. Dept. of Commerce and Patent and Trademark Office | | ATTORNEY'S DOCKET NUMBER * | |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | | | U.S. APPLICATION NO. (If known): | |
| INTERNATIONAL APPLICATION NO.: PCT/ | INTERNATIONAL FILING DATE (dd/mm/yy): * | | PRIORITY DATE CLAIMED (dd/mm/yy): * | | |
| TITLE OF INVENTION: * | | | | | |
| APPLICANT(S) FOR DO/EO/US: * | | | | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | | | | |
| 1. | <input type="checkbox"/> | This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. | | | |
| 2. | <input type="checkbox"/> | This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. | | | |
| 3. | <input checked="" type="checkbox"/> | This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1). | | | |
| 4. | <input type="checkbox"/> | A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date. | | | |
| 5. | <input type="checkbox"/> | A copy of the International Application as filed (35 U.S.C. 371(c)(2)) | | | |
| | a. <input type="checkbox"/> | is transmitted herewith (required only if not transmitted by the International Bureau). | | | |
| | b. <input type="checkbox"/> | has been transmitted by the International Bureau. | | | |
| | c. <input type="checkbox"/> | is not required, as the application was filed in the United States receiving Office (RO/US). | | | |
| 6. | <input type="checkbox"/> | A translation of the International Application into English (35 U.S.C. 371 (c)(2)). | | | |
| 7. | <input type="checkbox"/> | Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) | | | |
| | a. <input type="checkbox"/> | are transmitted herewith (required only if not transmitted by the International Bureau). | | | |
| | b. <input type="checkbox"/> | have been transmitted by the International Bureau. | | | |
| | c. <input type="checkbox"/> | have not been made; however, the time limit for making such amendments has NOT expired. | | | |
| | d. <input type="checkbox"/> | have not been made and will not be made. | | | |
| 8. | <input type="checkbox"/> | A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). | | | |
| 9. | <input type="checkbox"/> | An oath or declaration of the inventor (35 U.S.C. 371(c)(4)). | | | |
| 10. | <input type="checkbox"/> | A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). | | | |
| Items 11. to 16. below concern other document(s) or information included: | | | | | |
| 11. | <input type="checkbox"/> | An Information Disclosure Statement under 37 CFR 1.97 and 1.98. | | | |
| 12. | <input type="checkbox"/> | An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.29 and 3.31 is included. | | | |
| 13. | <input type="checkbox"/> | A FIRST preliminary amendment. Please enter the amendment before fee calculation. | | | |
| | <input type="checkbox"/> | A SECOND or SUBSEQUENT preliminary amendment. | | | |
| 14. | <input type="checkbox"/> | A substitute specification. | | | |
| 15. | <input type="checkbox"/> | A change of power of attorney and/or address letter. | | | |
| 16. | <input type="checkbox"/> | Other items or information: | | | |

| | 17. <input type="checkbox"/> The following fees are submitted: | CALCULATIONS | PTO USE ONLY | | | | | | | | | | | | | | | | | | | | |
|--|---|---|--------------|--------------|------|--------------|--------|--|------------|--------------------|-------|--|------------|---|--|--|-------------|--------------------------------------|--|--|--|----|--|
| | BASIC NATIONAL FEE (37 CFR 1.492(A)(1)-(5)): <i>(select the appropriate one of the following fees)</i> Search Report has been prepared by the EPO or JPO \$ 930.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) \$ 490.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$ 750.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$ 1,070.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Articles 33(2)-33(4) \$ 98.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div> | \$ | | | | | | | | | | | | | | | | | | | | | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | \$ | | | | | | | | | | | | | | | | | | | | | |
| | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 20%;">NUMBER FILED</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 20%;">RATE</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>- 20 =</td> <td></td> <td>x \$ 22.00</td> </tr> <tr> <td>Independent Claims</td> <td>- 3 =</td> <td></td> <td>x \$ 82.00</td> </tr> <tr> <td colspan="3">Multiple Dependent Claims (if applicable)</td> <td>+ \$ 270.00</td> </tr> <tr> <td colspan="3" style="text-align: right;">TOTAL OF ABOVE CALCULATIONS =</td> <td></td> </tr> </tbody> </table> | CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | Total Claims | - 20 = | | x \$ 22.00 | Independent Claims | - 3 = | | x \$ 82.00 | Multiple Dependent Claims (if applicable) | | | + \$ 270.00 | TOTAL OF ABOVE CALCULATIONS = | | | | \$ | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | | | | | | | | | | | | | | | | | | | |
| Total Claims | - 20 = | | x \$ 22.00 | | | | | | | | | | | | | | | | | | | | |
| Independent Claims | - 3 = | | x \$ 82.00 | | | | | | | | | | | | | | | | | | | | |
| Multiple Dependent Claims (if applicable) | | | + \$ 270.00 | | | | | | | | | | | | | | | | | | | | |
| TOTAL OF ABOVE CALCULATIONS = | | | | | | | | | | | | | | | | | | | | | | | |
| Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must be filed also. (Note 37 CFR 1.9, 1.27, 1.28). | | \$ | | | | | | | | | | | | | | | | | | | | | |
| | SUBTOTAL = | \$ | | | | | | | | | | | | | | | | | | | | | |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | \$ | | | | | | | | | | | | | | | | | | | | | |
| | TOTAL NATIONAL FEE = | \$ | | | | | | | | | | | | | | | | | | | | | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | \$ | | | | | | | | | | | | | | | | | | | | | |
| | TOTAL FEES ENCLOSED = | \$ | | | | | | | | | | | | | | | | | | | | | |
| | | Amount to be: Refunded | \$ | | | | | | | | | | | | | | | | | | | | |
| | | Charged | \$ | | | | | | | | | | | | | | | | | | | | |
| a. <input type="checkbox"/> | A check in the amount of \$_____ to cover the above fees is enclosed. | | | | | | | | | | | | | | | | | | | | | | |
| b. <input type="checkbox"/> | Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees is enclosed. A duplicate copy of this sheet is enclosed. | | | | | | | | | | | | | | | | | | | | | | |
| c. <input type="checkbox"/> | The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 22-0350. | | | | | | | | | | | | | | | | | | | | | | |
| Send All Correspondence To: Vidas Arrett & Steinkraus, P.A. Suite 200C 6109 Blue Circle Drive Minnetonka, MN 55343-9185 Telephone: (952) 563-3000 Facsimile: (952) 563-3001 | | By: _____ Registration No. _____ | | | | | | | | | | | | | | | | | | | | | |

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
UNITED STATES RECEIVING OFFICE (RO/US)

In re Application of: Odd Geir Oddsen, Harald Skjørshammer, Fred Hirth Thorsen
U.S. Nat'l Stage of PCT/NO00/00093
Int'l App. No.:
Int'l Filing Date: 17 March 2000
For: A METHOD OF MANUFACTURING FEED PELLETS AND
PLANT FOR USE IN THE IMPLEMENTATION OF THE
METHOD

BOX PCT

ATTN: EO/US

Commissioner for Patents

Washington, D.C. 20231

Docket No.: H82.2-10148

TRANSMITTAL LETTER

1. In regard to the above-identified application, we are submitting the attached:
23Pg Preliminary Amendment; VAS Transmittal Letter; and Postcard.
2. With respect to fees:
 - ☐ No additional fee is required.
 - ☐ Attached is check(s) in the amount of \$_____.
 - ☐ Charge additional fee to our Deposit Account No. 22-0350.
 - ☒ Filing Fee Will be paid at the time of responding to the Notice of Missing Requirements.

CONDITIONAL PETITION AND FEE FOR EXTENSION OF TIME

3. This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time. If any extension of time for the accompanying response is required, Applicant requests that this be considered a petition therefor.
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VIDAS, ARRETT & STEINKRAUS

Date: September 21, 2001

By: Edwin E. Voigt II, Esq.
Registration No. 36,042

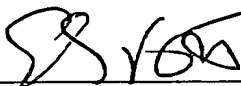
6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

Certificate Under 37 CFR 1.10: I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as EXPRESS MAIL, Label No. EV013260463US, addressed to Box PCT, Commissioner for Patents, Washington D.C. 20231, on September 21, 2001


Mary C. Granger

EXHIBIT 3

| | | | |
|---|---|---|--|
| FORM PCT-D-1390 (REV 10-94) | | U.S. Dept. of Commerce and Patent and Trademark Office | ATTORNEY'S DOCKET NUMBER: H82.2-10148 |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | | U.S. APPLICATION NO. (If known): |
| INTERNATIONAL APPLICATION NO.: PCT/NO/00093 | INTERNATIONAL FILING DATE (dd/mm/yy): 17 March 2000* | PRIORITY DATE CLAIMED (dd/mm/yy): 25 March 1999 | |
| TITLE OF INVENTION: A METHOD OF MANUFACTURING FEED PELLETS AND PLANT FOR USE IN THE IMPLEMENTATION OF THE METHOD | | | |
| APPLICANT(S) FOR DO/EO/US: Odd Geir Oddsen, Harald Skjershammer, Fred Hirth Thorsen | | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | | |
| 1. | <input checked="" type="checkbox"/> | This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. | |
| 2. | <input type="checkbox"/> | This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. | |
| 3. | <input checked="" type="checkbox"/> | This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1). | |
| 4. | <input checked="" type="checkbox"/> | A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date. | |
| 5. | <input checked="" type="checkbox"/> | A copy of the International Application as filed (35 U.S.C. 371(c)(2)) | |
| | a. | <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). | |
| | b. | <input checked="" type="checkbox"/> has been transmitted by the International Bureau. | |
| | c. | <input type="checkbox"/> is not required, as the application was filed in the United States receiving Office (RO/US). | |
| 6. | <input type="checkbox"/> | A translation of the International Application into English (35 U.S.C. 371 (c)(2)). | |
| 7. | <input checked="" type="checkbox"/> | Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) | |
| | a. | <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). | |
| | b. | <input checked="" type="checkbox"/> have been transmitted by the International Bureau. | |
| | c. | <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. | |
| | d. | <input type="checkbox"/> have not been made and will not be made. | |
| 8. | <input type="checkbox"/> | A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). | |
| 9. | <input type="checkbox"/> | An oath or declaration of the inventor (35 U.S.C. 371(c)(4)). | |
| 10. | <input type="checkbox"/> | A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). | |
| Items 11. to 16. below concern other document(s) or information included: | | | |
| 11. | <input type="checkbox"/> | An Information Disclosure Statement under 37 CFR 1.97 and 1.98. | |
| 12. | <input type="checkbox"/> | An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.29 and 3.31 is included. | |
| 13. | <input checked="" type="checkbox"/> | A FIRST preliminary amendment. Please enter the amendment before fee calculation. | |
| | <input type="checkbox"/> | A SECOND or SUBSEQUENT preliminary amendment. | |
| 14. | <input type="checkbox"/> | A substitute specification. | |
| 15. | <input type="checkbox"/> | A change of power of attorney and/or address letter. | |
| 16. | <input type="checkbox"/> | Other items or information: | |

| 17. The following fees are submitted: | | | | CALCULATIONS | PTO USE ONLY |
|--|--------------|--------------|-------------|------------------------|--------------|
| BASIC NATIONAL FEE (37 CFR 1.492(A)(1)-(5)): <i>(select the appropriate one of the following fees)</i> Search Report has been prepared by the EPO or JPO \$ 930.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) \$ 490.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$ 750.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$ 1,070.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Articles 33(2)-33(4) \$ 98.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div> | | | | \$ | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(c)). | | | | \$ | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total Claims | - 20 = | | x \$ 22.00 | \$ | |
| Independent Claims | - 3 = | | x \$ 82.00 | \$ | |
| Multiple Dependent Claims (if applicable) | | | + \$ 270.00 | \$ | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ | |
| Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must be filed also. (Note 37 CFR 1.9, 1.27, 1.28). | | | | \$ | |
| SUBTOTAL = | | | | \$ | |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | \$ | |
| TOTAL NATIONAL FEE = | | | | \$ | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | | \$ | |
| TOTAL FEES ENCLOSED = | | | | \$ | |
| | | | | Amount to be: Refunded | \$ |
| | | | | Charged | \$ |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees is enclosed. A duplicate copy of this sheet is enclosed.</p> <p>c. <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 22-0350.</p> <p>d. <input checked="" type="checkbox"/> Filing fee is NOT ENCLOSED - fee will be paid at the time of responding to Notice of Missing Requirements - DO NOT CHARGE DEPOSIT ACCOUNT</p> </div> <div style="width: 50%; text-align: right;"> <p>By: </p> <p>Edwin E. Voigt II, Esq. Registration No. 36,042</p> </div> </div> | | | | | |

Send All Correspondence To:
 Vidas, Arrett & Steinkraus, P.A.
 Suite 200
 6109 Blue Circle Drive
 Minneapolis, MN 55343-9185
 Telephone: (952) 563-3000
 Facsimile (952) 563-3001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|--------------------------------|---|
| In Re Application of: | Odd Geir Oddson; Harald Skjorshammer; Fred Hirth Thorsen |
| Filed: | September 21, 2001 |
| US Serial No.: | 09/937,172 |
| International App. No.: | PCT/NO00/00093 |
| For: | A METHOD FOR MANUFACTURING FEED PELLETS AND PLANT FOR USE IN THE IMPLEMENTATION OF THE METHOD |
| Examiner: | <i>Not yet assigned</i> |
| Art Unit: | <i>Not yet assigned</i> |

ATTN: Donna S. Greene

BOX PCT

Commissioner for Patents

Washington, D.C. 22202

Filed Via Facsimile: Fax No. 703-305-3230

Docket No.: H82.2-10148

DECLARATION OF MARY C. GRANGER

1. My name is Mary C. Granger and I am the support staff acting on behalf of attorney Edwin E. Voigt II.
2. I prepared Exhibits 3 and 4 as attached hereto for filing within the United States Patent & Trademark Office on September 21, 2001.
3. In preparing Exhibits 3 and 4, I modified our firms standard Transmittal Letter and Transmittal Form attached hereto as Exhibits 1 and 2. On Exhibit 3, I included the last check box of paragraph 2 of the Transmittal Letter related to the payment of the filing fee when responding to the Notice of Missing Requirements and the final check box of paragraph 17(d) of the Transmittal Form of Exhibit 4 which stated "the filing fee is not enclosed - the fee will be paid at the time of responding to the Notice of Missing Requirements - do not charge the deposit account". I modified the enclosed forms to attempt to conform to United States practice related to continuation and divisional applications for responding to Notices of Missing Requirements.

In Re: Odd Geir Oddson et al.
Application No. 09/937,172

Filed September 21, 2001
Page 2

4. I, did not inform attorney Edwin E. Voigt II of the modifications which I made to Exhibits 3 and 4 attached hereto. In the future I will not be modifying transmittal forms without the prior authorization of counsel. To the best of my knowledge the intent at all times was to pay the National Stage entry fee for Application Serial No. 09/937,172. By modifying Exhibits 3 and 4 attached hereto I did not intend to create a risk that the deadline for the payment of the National Stage entry fee would be missed.

I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,
VIDAS, ARRETT & STEINKRAUS, P.A.

Dated: November 30, 2001

By:


Mary C. Granger

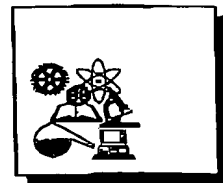
6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001
F:\WORK\EEV\10148DE2.B28

VIDAS, ARRETT & STEINKRAUS, P.A.

Suite 2000, 6109 Blue Circle Drive

Minnetonka, MN 55343-9131

952/563-3000 FAX: 952/563-3001



#3

FAX COVER SHEET

TO: ATTN: DONNA S. GREENE FROM: Edwin E. Voigt II, Esq.
BOX PCT

FAX NO: 703-305-3230

RE: Int'l App. No.: PCT/NO00/00093

U.S. App. No.: 09/937,172

Filed: September 21, 2001

Title: A METHOD FOR MANUFACTURING FEED PELLETS AND PLANT
FOR USE IN THE IMPLEMENTATION OF THE METHOD

Applicant: Odd Geir Oddson; Harald Skjorshammer; Fred Hirth Thorsen

Atty Docket No.: H82.2-10148

DATE: November 30, 2001

TIME: 3:43 p.m.

RECEIVED

06 DEC 2001

Legal Staff
International Division

MESSAGE: Dear Ms. Greene:

I hereby certify that the following documents are being filed Via Facsimile this 30th day of November 2001: 11 Pg Petition to Revive; 9 Pg Declaration of Edwin E. Voigt; 5 Pg Declaration of Mary C. Granger; 1 Pg Constructive Petition for Extension of Time; and 2 Pg Terminal Disclaimer. Your consideration and prompt attention to this matter is most appreciated.

Edwin E. Voigt II, Esq.
Agent

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